

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**JOHN C. RODRIGUEZ**

**PLAINTIFF**

**v.**

**No. 3:20CV32-NBB-RP**

**CALIFORNIA DEPARTMENT OF CORRECTIONS  
DR. THOMAS**

**DEFENDANTS**

**ORDER DENYING PLAINTIFF’S MOTION [12]  
FOR RECONSIDERATION**

This matter comes before the court on the plaintiff’s motion [12] for reconsideration of the court’s<sup>1</sup> order dismissing the California Department of Corrections and Rehabilitation as a defendant in the instant suit. Though the plaintiff characterizes the order as a “final judgment,” the order did not terminate the case; as such, it is interlocutory in nature. Interlocutory orders, such as the present one, are subject to the complete power of the court rendering them to afford such relief from them as justice requires. 7 Moore’s Federal Practice ¶ 60.20 at 60–170 (2d ed. 1985). In this instance, the United States District Court for the Southern District of California dismissed the California Department of Corrections and Rehabilitation as a defendant based upon binding precedent from the Ninth Circuit Court of Appeals (*Watison v. Carter*, 668 F.3d 1108, 1112 (9<sup>th</sup> Cir. 2012)). As the dismissal of the defendant was proper, the plaintiff’s request for reconsideration is **DENIED**.

**SO ORDERED**, this, the 22nd day of September, 2020.

/s/ Neal Biggers  
NEAL B. BIGGERS  
SENIOR U. S. DISTRICT JUDGE

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<sup>1</sup> The order was entered by the United States District Court for the Southern District of California prior to the case’s transfer to this court.